

7A Am. Jur. 2d Automobiles § 70

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Automobiles and Highway Traffic

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III. Licensing, Taxation, and Registration

A. Vehicles

2. Power to License or Tax

c. Power of Municipalities or Political Subdivisions of the State

§ 70. Double taxation

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West's Key Number Digest

West's Key Number Digest, Automobiles 97, 102

Constitutional provisions prohibiting double taxation are not violated by statutes imposing a license or registration fee or tax upon motor vehicles that are already subject to an ad valorem tax.¹ Without violating constitutional provisions against double taxation, a municipality may, when authorized by statute, impose a license tax for the use of its streets by vehicles, for the purpose of revenue, although such vehicles are already taxed as property at their full value.²

In levying license fees upon automobiles for highway purposes, the state may exempt them from other taxation as against a municipality which might otherwise have levied a personal property tax on them, notwithstanding the whole revenue realized by the license tax is not to be expended on highways in the municipality.³

While there is some contrary authority,⁴ a tax upon the operation of a vehicle on the public highways is not considered double taxation when imposed upon one who has already paid an occupation tax or privilege tax upon a business involving the use of the same vehicle, because the use of the highways is a privilege separate from that of the conduct of the business,⁵ or because the imposition of a fee upon the operation of the vehicle is an exercise of the police power.⁶

A license fee imposed by a state is not rendered invalid by the fact that the owner of the vehicle is already required to pay a city license tax.⁷

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Footnotes

1 Ex parte Schuler, 167 Cal. 282, 139 P. 685 (1914).

2 Carley & Hamilton v. Snook, 281 U.S. 66, 50 S. Ct. 204, 74 L. Ed. 704, 68 A.L.R. 194 (1930).

3 State v. Wetz, 40 N.D. 299, 168 N.W. 835, 5 A.L.R. 731 (1918).

4 City of Newport v. Fitzer, 131 Ky. 544, 115 S.W. 742 (1909).

5 Where an owner-operator has paid the tax imposed on his tractor, a trucking company may use the tractor without having to pay any further tax. *B&T Express, Inc. v. Pub. Util. Comm.*, 145 Ohio App. 3d 656, 763 N.E.2d 1241 (10th Dist. Franklin County 2001).

6 City of Enterprise v. Fleming, 240 Ala. 460, 199 So. 691 (1940); *Derst Baking Co. v. Mayor and Aldermen of City of Savannah*, 180 Ga. 510, 179 S.E. 763 (1935).

7 Hertz Drivurself Stations v. City of Louisville, 294 Ky. 568, 172 S.W.2d 207, 147 A.L.R. 306 (1943).

7 Carley & Hamilton v. Snook, 281 U.S. 66, 50 S. Ct. 204, 74 L. Ed. 704, 68 A.L.R. 194 (1930).

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